

## **PART 7      INVESTIGATION PROCESSES**

### **Chapter 42:   White House Production Issues**

Over the course of the Investigation, the Committee subpoenaed or voluntarily requested documents from over 200 groups and individuals. The greatest number of formal and informal requests for documents were directed to the White House. Over 120 thousand documents were produced by the White House, many of which shed important light on the fundraising practices being examined by the Committee. Over the course of the Committee's investigation, however, the White House came under frequent criticism for belatedly responding to requests for documents. In some of these instances, it was suggested that the White House's tardy productions compromised the effectiveness of the Committee's investigation. Some members of the Majority went further and suggested that the White House Counsel's office was deliberately obstructing the work of the Committee. These frustrations reached a head in July 1997 when the White House failed to produce entry records relating to Ng Lap Seng prior to Committee hearings concerning his access to the White House. In response, the Committee issued a subpoena to the White House.

In early October, the White House produced to the Committee and the Department of Justice numerous videotapes and audio recordings of Presidential events, including videotape footage of the opening minutes of 44 White House coffees. Materials relevant to these coffees, including videotapes, had been requested earlier by the Committee in April 1997. The belated production raised concerns about the effectiveness of the White House's document production procedures and prompted allegations by some members of the Majority that the White House had deliberately sought to conceal the existence of these materials. The Committee devoted two days of hearings to these matters in an attempt to resolve the issue of whether the White House counsel's office intentionally delayed the production of responsive videotapes to the Committee.

### **FINDINGS**

**(1)      The White House Counsel's Office took appropriate and reasonable steps to discover the existence of responsive videotapes in response to the Committee's April 1997 document request. There is no evidence before the Committee to suggest that the White House Counsel's Office intended to obstruct the work of the Committee.**

**(2)      The evidence before the Committee is conclusive, based on exhaustive technical analysis, that none of the videotapes or audiotapes produced by the White House to the Committee have been altered in any way.**

### **OVERVIEW**

Staff members of the Committee's Special Investigation first met with staff members of

the White House Counsel's Office in February 1997. Most issues of how documents would be produced and stored were quickly resolved, and the White House made it clear from the outset that it would respond to document requests made by the Committee voluntarily, obviating the need for a subpoena. On April 9, 1997, the first formal document request was issued by the Majority.<sup>1</sup> Although the request was reduced to 28 line-items, it required a search of all White House records for references to over 50 separate individuals and organizations.

On May 21, 1997, the Majority issued a second formal request for documents.<sup>2</sup> This request consisted of 42 line-items, one of which required a search for all documents referring to 61 individuals and entities. Two supplemental requests for additional materials were made on June 9, and June 11, 1997.<sup>3</sup> Over 100,000 pages of materials were delivered to the Committee in response to these requests.<sup>4</sup> In addition to its formal requests, the Committee made at least 200 additional, but informal requests, to the White House, leading Committee and White House staff to be in daily contact. The White House chief counsel, Charles Ruff, offered his personal assurance that the "White House w[ould] continue its efforts to honor the Committee's requests for information," and pledged continued timely production of all information requests as well as prompt responses to the many informal requests which were being made since early April by the Majority almost daily.<sup>5</sup>

On July 31, 1997, prompted by concerns arising out of the belated production of records relating to access to the White House by Charlie Trie's associate, Ng Lap Seng (see below, "Ng Lap Seng's WAVE Records"), the Committee unanimously voted to issue a subpoena repeating previous requests for production and seeking numerous additional documents relating to many specified individuals and entities.<sup>6</sup> Despite the burdensomeness of the search required by the subpoena, the response date was set for August 12. As the White House worked to respond to the subpoena, the Majority sent a "supplementary request" for additional documents on August 18, 1997.<sup>7</sup>

On October 2, the White House Counsel's office advised the Committee that the existence of videotapes containing material responsive to several of the Committee's information requests, including the initial April 28 request, had been discovered. By October 4, the Committee was provided with videotapes of the opening minutes of 44 coffees held at the White House. The Committee subsequently received over 100 additional videotapes of White House events and events outside the White House attended by President Clinton which were responsive to the Committee's prior requests. The circumstances of this belated discovery and production of responsive materials focused intense scrutiny on both the White House Counsel's Office and the organization that created and maintained these videotapes: the White House Communications Agency ("WHCA").

### **VIDEO AND AUDIO TAPING IN THE WHITE HOUSE**

The White House Communications Agency ("WHCA") is funded by the Department of Defense and staffed by career military personnel. Its primary mission is to provide

communications support to the president in his official capacity.<sup>8</sup> WHCA performs a number of services in this regard, from ensuring that the President has secure lines of communication while travelling, to supplying Secret Service agents with wireless communications equipment. The WHCA staff, numbering approximately 850 individuals, is primarily located at the Anacostia Naval Air Station in Washington, D.C.

An important, but relatively small, aspect of WHCA's operations is the video and audio recording of the president's constitutional, statutory and ceremonial duties pursuant to the Presidential Records Act, 44 U.S.C. § 2201-07.<sup>9</sup> Photographic support has been provided to the Office of the President since 1949.<sup>10</sup> The exact nature and scope of this support has varied over the years, but since 1960, a military film crew has been responsible for the official film or videotape record of each presidency.<sup>11</sup>

A wide variety of events are videotaped by WHCA, including speeches, public addresses, meetings with Cabinet members, and foreign dignitaries, the president's weekly radio address, official phone calls, media interviews, holiday receptions, receiving lines, bill signings, and as much of the president's personal life as he desires.<sup>12</sup> The range of events at which presidential remarks would be audiotaped by WHCA is somewhat more circumscribed, consisting almost entirely of more formal events where the press is already present and the president requires a microphone for amplification of his remarks (the WHCA tape recording is made through a control box connected to the president's microphone in these situations).<sup>13</sup> Shortly after the audio or video recordings are made, they are catalogued and delivered to the National Archives, which stores them pending the establishment of a presidential library.<sup>14</sup>

### **WHITE HOUSE COMMUNICATION AGENCY**

The Committee sought an understanding of why certain Presidential events are videotaped in their entirety, some for only a few minutes, and some not at all. Specifically, the Majority speculated that the abbreviated nature of the "coffee" videotapes was the result of politically motivated instructions given by members of the president's staff. Based on the uncontradicted testimony of both WHCA career military personnel and White House staff members, the Committee found that the decisions concerning the scope of WHCA's videotaping activities were non-political in nature and consistent with the practices of past administrations.

The Committee deposed White House staff member Steve Goodin, who has worked as a special assistant to the staff secretary since late 1994.<sup>15</sup> His responsibilities include interacting with the WHCA videotape camera crew on a daily basis and instructing them about the extent to which the president's activities will be videotaped each day.<sup>16</sup> In making these decisions, Goodin relies on four criteria: (i) the inherent historical value of the event, e.g. bill-signings; (ii) the potential for future historic value, such as a meeting with youth groups; (iii) the degree to which videotaping would help to present "a historical snapshot of what the president's day is like"; and (iv) the level of intrusiveness involved in having the videotape crew present.<sup>17</sup> Goodin also acknowledged that he probably would have asked WHCA personnel about their past videotaping

practices.<sup>18</sup> Over time, as Goodin and WHCA personnel worked together on a daily basis, they acquired a mutual understanding about the desired extent of videotape coverage for particular kinds of events, thereby making it unnecessary for Goodin to explicitly direct them with respect to each event. Instead, WHCA personnel would make assumptions about the desired extent of videotape coverage based on the nature of the event.<sup>19</sup> As WHCA Director of Operations Steve Smith put it, “they can tell by type of events, like recurring events, routine events.”<sup>20</sup> For example, Goodin expected that WHCA personnel would generally tape all events where the press was already present, such as press conferences, but because the WHCA video crew would be situated with numerous other cameramen from the media, he could not state definitively that WHCA was always present at such events.<sup>21</sup> In general, Goodin asked them to tape the President’s remarks at all public events, all events open to the press, and larger meetings where the president was scheduled to make remarks.<sup>22</sup>

### **VIDEOTAPE PROCEDURES FOR COFFEES**

For events such as coffees, Goodin would instruct WHCA personnel to “take the top” or “take a spray” of the coffee, meaning that the video crew would follow the president into the room, stay long enough for him to greet everyone in the room and to take his seat at the table and then exit the room so the meeting could begin.<sup>23</sup> Goodin did not make discretionary determinations about the scope of videotape coverage for each individual coffee.<sup>24</sup> With respect to small, closed-press meetings like coffees, Chief McGrath, head of WCHA’s Videotaping Unit, explained that “it is not that Steve Goodin necessarily decides top of or not. We all sort of know from past . . . we can read the schedule and have a feel for whether it’s the top of or whether it’s the whole thing.”<sup>25</sup> WHCA videotaped only “the top” of numerous other events at the White House besides coffees, such as Cabinet meetings or bipartisan meetings of members of Congress in the Cabinet Room.<sup>26</sup> The basic considerations underlying the decision not to tape such small, closed-press meetings in their entirety were the physical intrusiveness of having a videotape crew present in such small gatherings and the absence of scheduled, formal remarks.

Goodin testified that space limitations in the Map Room, where most of the coffees were held, were one factor in the decision to only “take the top” of the coffees.<sup>27</sup> McGrath confirmed that the Map Room “doesn’t have a whole lot of room . . . we were sort of intrusive.”<sup>28</sup>

In addition, it has been WHCA’s long-standing practice not to videotape entire closed-press meetings where the president is not scheduled to make formal remarks. Although President Clinton spoke with coffee attendees, Goodin testified that such informal remarks were distinguishable from fundraisers that were videotaped in their entirety since “he’s not going to stand up and deliver a speech.”<sup>29</sup> McGrath confirmed that “if the President is going to make remarks, we’re going to be there for the whole thing, but remarks are different than meetings.”<sup>30</sup> WHCA’s Steve Smith testified that it has been the consistent practice since at least the Bush Administration to only videotape the beginning of an event that is closed to the press and for which no audio support has been requested (i.e., no lectern, no microphone, no amplification).<sup>31</sup>

More importantly, Goodin was never instructed by the president or by other members of the White House staff concerning the extent to which coffees or other events should be videotaped.<sup>32</sup> McGrath explained that Goodin's instructions to the videotape crew were limited to the commencement and termination of videotaping<sup>33</sup> and never included specific directions about what should or should not be filmed during a particular event. "[I]t is strictly left up to the videographer to do the best he can to document what the president is saying, and that's it. There's no design. . . . There's no direction along those lines."<sup>34</sup> Smith further explained that, consistent with the archival nature of WHCA's videotaping, any footage taken of attendees at White House events was entirely incidental. "Their focus is the presidency, not . . . who he was having meetings with or whatever. They just don't do that."<sup>35</sup>

Goodin also testified that private meetings between the president and his staff were not typically videotaped.<sup>36</sup> As a result, such staff members would not be aware of the extent of WHCA's videotaping activities except to the extent they attended events videotaped by WHCA.<sup>37</sup>

### **THE INITIAL FAILURE TO IDENTIFY RESPONSIVE VIDEOTAPES**

Chairman Thompson summarized the evidence accurately with respect to why responsive videotapes were not discovered in response to the Committee's original request for production. "We learned from the people at WHCA what happened in April. Basically, they received the so-called Ruff directive that [White House Counsel] Ruff prepared, and that somewhere between the Military Office and the White House and the WHCA people, the page that delineated fund-raisers and coffees got lost."<sup>38</sup> The Committee's investigation fully confirmed White House Counsel Lanny Breuer's assessment that the primary reason for the belated production was "a slipup of the most routine and the most innocent sort . . . the kind of mistake that happens every day in complicated litigation throughout the nation."<sup>39</sup>

On April 9, 1997, Majority Counsel sent to White House Counsel Lanny Breuer 28 separate requests for production of documents from the White House, including any materials related to three specified coffees.<sup>40</sup> Pursuant to this request, and several others from other investigations, White House Counsel Charles Ruff issued a four-page memo to the employees of the Executive Office of the President asking them "to conduct a thorough and complete search of ALL of your records (whether in hard copy, computer, or other form) . . . for materials responsive to the requests below."<sup>41</sup> The second page of the memorandum consisted of five numbered paragraphs, each with at least one subpart, containing specific document requests, including a request for all documents "referring or relating to White House coffees."<sup>42</sup> In addition, the first paragraph asked for the production of documents "referring or relating to any of the individuals or entities on Attachment A," which listed 99 individuals and entities on the last two pages of the Ruff memo.<sup>43</sup>

The Committee took deposition testimony from Alan P. Sullivan, director of the White House Military Office ("WHMO"). Sullivan has headed the WHMO since November 1994, prior to which time he was a colonel in the Marine Corps.<sup>44</sup> There are ten operating components of the WHMO (including for example, Air Force One, Camp David, and WHCA) and a combined staff

of approximately 1800 personnel.<sup>45</sup> Sullivan recalled receiving the Ruff memo and processing it exactly as the office had processed numerous other document requests from the White House Counsel's Office: "disseminate it [the request] to each of the 10 operating units, request them to do a file search, respond to us in time so we could formulate a consolidated response to counsel by the due date."<sup>46</sup> According to the WHMO staffer who faxed the memos to the operational units, the Ruff memo was scanned by the fax machine just once and then pre-programmed to transmit to each of the WHMO command units directly from memory.<sup>47</sup> Four of these operational units -- the Air Operations, U.S. Army Transportation Agency, Air Force One, and the Presidential Contingency Planning unit -- were able to locate in their files a complete copy of the four-page Ruff memo faxed to them by WHMO. According to the fax-generated header information on each page, these fax transmissions occurred within less than an hour, further supporting the testimony that the Ruff memo was faxed in its entirety to WHCA at the same time it was faxed to other operational units. Five of the other operational units did not retain copies of the original fax transmission from WHMO.<sup>48</sup>

The WHCA official responsible for receiving and processing the document requests faxed from the White House Military Office was Colonel Charles Campbell, deputy commander of WHCA, who is now serving his second tour of duty in WHCA having previously served (in a different capacity) from 1986 to 1989 under the Reagan and Bush administrations.<sup>49</sup> Campbell testified that he recalled receiving a fax from the White House Military Office forwarding the April 28 Ruff memo. This document was placed on his desk by one of the four staff sergeants who constitute his administrative staff. He recalls seeing the first page of the Ruff memo and the two-page attachment, but not the second page, which contained the five numbered requests, including the request for documents related to "coffees." Asked to explain the missing second page, Campbell speculated that it had been lost or missorted with other fax traffic before it arrived on his desk.<sup>50</sup> Three of the four people working on the administrative staff in April 1997 subsequently left WHCA.<sup>51</sup> Campbell questioned the remaining individual about the missing fax page, but the individual had no recollection of the document.<sup>52</sup> Campbell also defended his staff: "Our administrative section is a hard-working group of young people. They process a lot of paperwork and do a lot of typing and that sort of thing. They do a very good job in support of [WHCA commander] Colonel Simmons and me. They're soldiers, airmen, and, you know, mistakes are made. And I don't know where this second page was mishandled. . . . But I don't believe that any of these administrative people did any intentional mishandling or held anything back from me regarding that April 29<sup>th</sup> package from the Military Office, which included the 28 April memo from the Counsel's office."<sup>53</sup>

Campbell's explanation that he had a good-faith belief that he had a complete copy of the fax despite the fact that a page was missing, was convincing. The first page of the Ruff memo specifically referred to Attachment A, by instructing recipients as follows: "Because this has been an ongoing process, some of the names listed on Attachment A are similar or identical to previous requests. Therefore, if you are certain that you have previously provided a document in response to a Counsel's Office request, please do not provide it again."<sup>54</sup> The first page of the Ruff memo, however, made no reference to the requests contained in the five numbered paragraphs on the

second page, leading Campbell to believe that the request related entirely to the names contained in Attachment A. Indeed, previous requests in December 1996 and January 1997 from the White House Counsel's Office had consisted entirely of lists of names. Moreover, the first page is self-contained, ending with a concluding paragraph and providing no clue that there is a second page. Campbell reasonably concluded that WHCA had been asked only to search for all documents related to the names appearing on Attachment A.

Campbell distributed the request by scanning Attachment A into his computer system to create a WordPerfect file and attaching the resulting document to an e-mail message that he sent to all WHCA personnel. The e-mail message summarized the first page of the Ruff memo and directed WHCA personnel to respond to the counsel's request with "a thorough search of all records (regardless of media) on file that were created from 20 Jan 93 to present relating to certain individuals and entities. They are listed on the 3-page attachment to this note."<sup>55</sup> Campbell expected the video and audio tape databases to be searched pursuant to this request and, in fact, they were searched.<sup>56</sup> The databases, however, are not indexed according to the names of individuals present at the recorded events. As a result, these searches failed to identify any responsive video or audio tapes.

### **WHITE HOUSE DEFINITION OF DOCUMENT**

During the October 29th hearing, the Majority spent a great deal of time criticizing White House counsel for directing the White House staff, through the April 28 Ruff memo, to search "ALL of your records (whether in hard copy, computer, or other form) . . . for materials responsive to the requests below." The Majority argued that White House counsel may have intended to obstruct the Committee's investigation because the Ruff memo failed to forward the following lengthy definition of "document," contained in the Committee's April 9 document request, to White House staff:

The term "document" means any written, recorded, or graphic matter of any nature whatsoever, regardless of how recorded, and whether original or copy, including but not limited to the following: memoranda, reports, expense reports, books, manuals, instructions, financial reports, working papers, records, notes, letters, notices, telegrams, receipts, interoffice and intra office communications, electronic mail (E-mail), contracts, notations of any type of conversation, telephone call, meeting or other communication, bulletins, printed matters, computer printouts, teletypes, invoices, transcripts, diaries, analyses, summaries, minutes, bills, accounts, projections, comparisons, messages, correspondence, press releases, financial statements, opinions, and investigations, (and all drafts, preliminary versions, alterations, modifications, revisions, changes, and amendments of any of the foregoing, as well as any attachments or appendices thereto), and graphic or oral records or representations of any kind (including, without limitation, photographs, charts, graphs, microfiche, microfilm, videotape, compact discs, tape recordings and motion pictures), and electronic, mechanical,

and electric records and representations of any kind.<sup>57</sup>

During both his deposition and his hearing testimony, Breuer explained that condensing this densely-worded, labyrinthine definition into a simple direction to search “ALL records (whether in hard copy, computer or other form)” was intended to ensure the fullest possible response from the numerous offices that make up the Executive Office of the President. “The reason is that the more complicated the definition, the more difficult it is for people who are not lawyers to understand the definition and to find responsive materials . . . [B]y saying we want all documents in whatever form, that is intended to be the most reasonable way of capturing such a long definition.”<sup>58</sup>

Further complicating the task of the White House was that the Ruff memo was an attempt to search for documents responsive to requests from both this Committee and other investigations, each of which promulgated its own definition of “document.” As Breuer explained in his deposition, “if I were to include your definition, then I would have to also include the House definition and the Justice Department definition . . . I can’t just sort of pick and choose.”<sup>59</sup> Taking the Majority’s position to its logical extreme, the boilerplate definitions of “document” generated by each entity requesting documents from the White House should have been distributed to White House staff in their entirety -- a result that would appear to guarantee confusion.

The Majority’s implied premise that the scope of the document production from the White House turned on sharing the Majority’s exact definitional language with the entire White House staff is untenable. For example, WHCA personnel produced six responsive classified cables in response to the Committee’s April 9 request. The Committee, however, did not specifically define “document” to include “cables” until the July 31 subpoena was issued. The language of the Ruff memo was adequate to identify and secure the production of a broader range of responsive documents than those specifically identified in the Committee’s April 9 request, despite that request’s lengthy definition of “document.” Given this result, it is difficult to credit the suggestion that the White House Counsel’s failure to forward the Committee’s definition of document to all White House staff was motivated by a desire to obstruct the Committee’s investigation. Breuer persuasively testified that “people, when they are looking for responsive material, don’t parse definitions, and 13-lined definitions are not particularly helpful to them.”<sup>60</sup>

The White House counsel’s rewording of the Committee’s definition was not only reasonable as a general principle, but was demonstrably adequate to identify the existence of responsive videotapes. The omission of the specific term “videotape” was of no moment in light of the fact that WHCA did not retain the videotapes themselves, but transmitted them to the National Archives. The only records, therefore, of the existence of responsive videotapes, was contained in WHCA’s computer databases, a form of record specifically identified by the Ruff memo’s directive to search “ALL records (whether in hard copy, computer or other form).” Moreover, in response to the Ruff memo’s directive, WHCA personnel did, in fact, search the videotape and audiotape databases for responsive materials. No responsive materials were



identified at that time because of the way the databases were organized.

Col. Campbell, and other WHCA personnel who were deposed, were clear that if they had seen the second page of the Ruff memo, responsive materials would have been identified and produced. The critical word which would have elicited a response -- “coffees” -- appeared on page two of the Ruff memo. Col. Campbell testified that he would have scanned the second page of the Ruff memo into his computer system, as he did with Attachment A, and e-mailed it to the WHCA personnel.<sup>61</sup> In addition, due to the different nature of the requests on page two, keyed as they were to categories of events rather than specific names, Col. Campbell testified that he would have initiated discussions with the responsible persons in the Audiovisual Unit to assess the existence of responsive materials.<sup>62</sup> Likewise, Chief McGrath, the person actually responsible for querying the videotape databases in response to the Ruff memo, testified that if he had seen the second page of the Ruff memo, he would have queried the database on “coffees,” identified responsive materials, and had discussions with his superiors about which of the resulting “coffee tapes” were being requested by the Counsel’s office.<sup>63</sup> The evidence is clear that, but for the unintentional mishandling of page two of the Ruff memo by the career military personnel in the White House Communications Agency, the White House Counsel’s document search procedures were adequate to identify the existence of responsive videotapes.

The Majority contended that the testimony of WHCA Director of Operations Steve Smith established that the White House counsel’s condensation of the various Committee document requests concerning “coffees” was inadequate, assuming the second page of the Ruff memo had been distributed to WHCA personnel, to elicit the production of responsive videotapes.<sup>64</sup> This was a distortion of Smith’s testimony. Smith simply testified that if he had received the second page of the Ruff memo in the spring of 1997, he would not have thought about identifying responsive videotapes because the audio-visual unit was not his responsibility at that time. “At the time I was in the Operations Division, not in the operational chain of command at the audiovisual unit. In the context of the tasking I got, I was thinking of documents in the true sense as file-type copies. Had I gotten this second page with the word ‘coffee’ in it, it would have meant nothing to me at the time.”<sup>65</sup>

### **WHITE HOUSE SEARCH PROCEDURES**

The Majority’s criticisms of the White House production effort must be viewed in the context of the size of the task confronting the White House staff. This Committee alone forwarded over 280 formal and informal requests for documents to the White House and received 120,000 pages of documents in response.<sup>66</sup> These documents frequently required time-consuming pre-production review to protect against the disclosure of personal, confidential or classified information. White House counsel Breuer made the point that the Committee’s document production priorities would frequently shift along with the Committee’s plans for who would be deposed or be called to testify on a given day.<sup>67</sup> Breuer further explained that these last-minute requests frequently resulted in last-minute or belated productions of relevant materials.<sup>68</sup> The Minority’s own experience during the life of this Committee confirms Breuer’s observation that numerous depositions of White House

personnel were taken with very little advance notice and that decisions on who would testify on any given hearing day were frequently not stated until the preceding day.

Breuer testified that White House counsel took reasonable steps to respond to all document requests, including: (i) issuing directives to the employees of the Executive Office of the President to search their files for relevant materials; (ii) designating members of the White House Counsel's office as available contact persons to answer any questions arising from the search directives; (iii) personally visiting and assisting in the search of offices which were most likely to have responsive materials pertaining to a specific request; and (iv) maintaining open lines of communication with Committee counsel to permit them to prioritize their document requests and to keep them informed as to the progress of the document production process.<sup>69</sup>

The Majority argued that White House counsel acted in bad faith by failing initially to interview WHCA personnel about the possible existence of videotapes of coffees and other White House events.<sup>70</sup> As Breuer testified, however, the possible existence of videotapes was not an issue raised by the Committee until the inquiries from Majority Counsel Bucklin in August 1997. "I think it's a fiction, Mr. Madigan, in all due respect, to say that there was some remarkable concern back in April about videotapes or recordings as much as some may think there was."<sup>71</sup> It is difficult to fault the White House Counsel's office in this regard given that the Committee itself, in its numerous depositions of individuals who attended the coffees, never once inquired of any of these witnesses about the presence of audio or videotaping equipment.<sup>72</sup>

#### **WHITE HOUSE RESPONSES TO COMMITTEE INQUIRIES ABOUT VIDEOTAPES**

On August 7, at the end of a meeting attended by White House counsels Lanny Breuer and Michael Imbrosco, Majority Counsel Bucklin and Minority Counsel, Bucklin took Imbrosco aside (after all other attendees had departed) and told him that he had information, the reliability of which he could not attest to, that all meetings in the Oval Office were surreptitiously taped either by videotape or audiotape.<sup>73</sup> Imbrosco was skeptical, but agreed to look into the issue.<sup>74</sup> This conversation, which lasted less than two minutes, left Imbrosco with the impression that Bucklin was asking him to look into whether there was clandestine taping in the Oval Office.<sup>75</sup> Bucklin did not mention the White House Communications Agency by name, but he did indicate that a "unit of the Department of Defense" might be responsible for the videotaping.<sup>76</sup> Bucklin did not request an immediate response or otherwise indicate that this was a priority request.<sup>77</sup> Either that day or the following day, Imbrosco reported Bucklin's inquiry to Breuer, who confirmed in his deposition testimony that he understood Bucklin's initial inquiry to concern the possibility of clandestine taping in the Oval Office.<sup>78</sup> Breuer, while also expressing skepticism, instructed Imbrosco to follow up on the matter.<sup>79</sup> Sometime during the following week, Imbrosco also informed Chief White House Counsel Ruff about Bucklin's inquiry concerning clandestine taping.<sup>80</sup>

Eleven days later, Bucklin sent a letter to Breuer raising several issues, including a complaint about the lack of response to Bucklin's verbal inquiry of August 7. To the best of

Imbroscio's recollection, Bucklin's August 19 letter inaccurately describes parts of their August 7 conversation.<sup>81</sup> Specifically, Bucklin's letter claimed that he had asked Imbroscio to ascertain immediately whether the entity which provided audio and visual taping services to the White House, which Bucklin identified in this letter for the first time as the White House Communications Agency, would require a separate subpoena in light of the fact that it was part of the Department of Defense.<sup>82</sup> Imbroscio has no recollection that this issue arose during their August 7 colloquy or that Bucklin had asked for an immediate response to any request he had made of Imbroscio at that meeting.<sup>83</sup> In addition, Bucklin's letter now characterized the audio and video taping as "routine," rather than the clandestine taping that was the subject of the initial inquiry.<sup>84</sup> In light of these differing recollections, the Minority proposed that Majority Counsel Bucklin be deposed concerning his initial inquiry to Imbroscio, but this request was rejected by the Majority.

Although taken aback by the inaccuracies in the letter, Imbroscio was entirely willing to address this somewhat broader request for information about video and audio taping activities within the White House.<sup>85</sup> The specific subject of videotapes of "coffees," however, was not raised either by this letter or in the contemporaneous discussions that Bucklin had with Imbroscio.<sup>86</sup> Moreover, Bucklin's inquiry was only one of numerous requests to the White House that the Committee was pressing. Most significant of these was the Committee's desire for prompt action on its August 1 subpoena to the White House, which consisted of 29 subparts and requested information on over 50 individuals and entities.<sup>87</sup> In addition, in the two months from the August 1 subpoena through the end of September, the Committee presented approximately 20 formal and informal requests for information to the White House.<sup>88</sup> During this same time period, from August through September, approximately 18,000 pages of documents were produced by the White House to the Committee.<sup>89</sup>

In order to respond to Bucklin's inquiry, Imbroscio personally visited the only WHCA office listed in the White House phone book — the office that provides pagers to White House personnel — and secured the name of WHCA Director of Operations Steven Smith.<sup>90</sup> Imbroscio made an appointment to meet with Smith on August 29.<sup>91</sup> Smith and Imbroscio have differing recollections of this discussion, but both agree that the topic of clandestine taping was raised by Imbroscio and quickly dismissed by Smith.<sup>92</sup> Both men also agree that Imbroscio asked in general about the kinds of events for which WHCA provided video and audio support and that Smith advised Imbroscio that WHCA would typically film political fund-raisers attended by the President off the White House grounds.

Imbroscio also asked Smith whether WHCA would film small, private meetings in the Oval Office or the Map Room. He recalls Smith advising him that such "closed" events (a term of art used by WHCA to designate meetings closed to the public and the press) would not typically be filmed.<sup>93</sup> Smith, on the other hand, recalls informing Imbroscio that "it is very normal for us to be there video-wise for a closed press event."<sup>94</sup> Smith volunteered that Imbroscio's differing recollection may have resulted from confusing WHCA's video support with its audio support, which would not ordinarily be provided to a "closed press" meeting. Smith testified:

“What I told him - and this is what I think got confused or . . . miscommunicated or understood or whatever it was the audio piece. I told him, that is , that we would not be there for a closed press, private-meeting type audio. We just don’t do that . . . I suspect he got that all confused. There was a lot of information that went across the table to him, he and I, over a . . . 20-30 minute period. . . . He looked kind of glazed over. I mean, that’s my personal opinion. I thought he was overwhelmed with information.”<sup>95</sup>

Imbroscio left the meeting with the understanding that Smith would inquire into the existence of a comprehensive log of videotaped and audiotaped events that Imbroscio could review.<sup>96</sup> Majority Counsel Bucklin, prompted by a September 3 story appearing in the Washington Post, made another inquiry concerning WHCA, asking Imbroscio to determine whether WHCA kept a log of vice-presidential phone calls. Unlike the possible existence of videotapes, Bucklin placed a high priority on receiving a prompt response to this inquiry.

On September 9, at a meeting with Majority and Minority Counsel, Imbroscio reported on his meeting with Smith. Specifically, Imbroscio related that there was no clandestine taping in the White House, that the president’s remarks at political fund-raisers were videotaped, but that it was his understanding that closed-press events would not be videotaped. However, Imbroscio also said that he had asked Smith to get back to him about the existence of a log of videotaped and audiotape events, that he would inquire further on the issue of such videotapes by reviewing the log, and committed to provide the Committee with access to such a log when it was located.<sup>97</sup> Imbroscio’s testimony during the hearing was extremely clear on this point: “I said very clearly there were videotapes of fund-raising events and that -- but to my understanding there were not videotapes of coffees, but that I would inquire further. . . . I did not have complete confidence that Mr. Smith knew precisely on a day-to-day basis what WHCA did, and so that is why I couched it in the terms I did, which is my understanding they were not filmed, but I wanted to satisfy myself on a first-hand basis whether or not they, in fact, existed.”<sup>98</sup> Imbroscio also reported on his findings concerning the possible existence of a log of vice-presidential phone calls. It bears noting that, although the Majority was informed on September 9 that videotapes of fund-raisers existed, they made no immediate demand for expedited production of these tapes. Ultimately, these videotapes of public fund-raisers constituted the vast majority of the videotapes responsive to the Majority’s request and produced to the Committee.

The final sequence of events leading to the discovery of the videotapes began on September 25, when Imbroscio contacted Smith again to discuss both the videotape/audiotape logs and a lingering issue concerning the vice-presidential phone calls.<sup>99</sup> Smith informed Imbroscio that a paper or “hard-copy” log did not exist, and that all available information on the video and audio tapes was stored in computer databases. At Imbroscio’s request, Smith had his staff prepare a description of the data fields for both the video and audio databases.<sup>100</sup> On Friday, September 26, this document was delivered to Imbroscio’s office just before noon and reviewed briefly by him before he left at noon to visit family in North Carolina.<sup>101</sup> Upon his return to the office on Monday, September 29, Imbroscio began exchanging phone calls with Mr. Smith and arranged another meeting with him on Wednesday, October 1, to which Imbroscio brought a

notepad with information concerning several of the specific events identified by the Committee.<sup>102</sup> [Smith recalls his initial meeting with Imbroscio occurring on September 30, but their accounts are otherwise substantially similar.] Smith arranged for Imbroscio to meet with Chief McGrath of the Audio/Visual unit in order to permit Imbroscio to actually query the relevant databases.<sup>103</sup>

During his meeting with Chief McGrath at 2:00 p.m. that afternoon (both Smith and Imbroscio agree that this meeting occurred on October 1), Imbroscio learned that there were two separate video databases. One was a database of events recorded in their entirety with only one event recorded per videotape.<sup>104</sup> The other databases, referred to as a photo-op databases, contained footage of events for which only the first few minutes had been recorded.<sup>105</sup> A week's worth of these events would be recorded on a single videotape, with the result being that these tapes were listed with date ranges, rather than specific dates.<sup>106</sup> Imbroscio queried the databases and ascertained that at least some of the coffees had been partially videotaped.<sup>107</sup> By his own account, Imbroscio was "surprised" and "stunned" by this discovery.<sup>108</sup> Chief McGrath confirmed in his testimony to the Committee that upon making this discovery, Imbroscio expressed shock and surprise.

Imbroscio asked that the videotapes identified by his search be retrieved from the National Archives so that he could review their contents. Imbroscio then informed Breuer, who was preparing to leave the office for Rosh Hashanah, that responsive videotapes of some coffees existed. Breuer instructed Imbroscio to find out everything he could. That same evening, Imbroscio reviewed the five or six tapes that Chief McGrath had successfully retrieved from the National Archives. Before leaving for the evening, Imbroscio left a voice-mail message with Majority Counsel Bucklin which, among other things, alerted Bucklin that Imbroscio had an updated status report on the WHCA issues.<sup>109</sup> Imbroscio and Bucklin finally spoke the next day at approximately 4:30 p.m., at which time Imbroscio informed him that, contrary to his prior understanding, there appeared to be approximately 30-40 partial videotapes of White House coffees and, consistent with his previous reports to Bucklin, approximately 100 videotapes of fund-raisers.<sup>110</sup> By Saturday, October 4, video footage of 44 White House coffees had been produced to the Committee.<sup>111</sup> By the following Tuesday and Wednesday, October 7th and 8th, The White House delivered an additional 66 DNC-related videotapes, as well as audiotapes, to the Committee.<sup>112</sup>

#### **NOTIFYING THE DEPARTMENT OF JUSTICE OF THE EXISTENCE OF RESPONSIVE VIDEOTAPES**

The White House Counsel's Office has been criticized for failing to communicate its discovery of responsive videotapes to the Department of Justice until October 4. This was one day after the Department issued a response to Rep. Hyde, Chairman of the House Judiciary Committee, declining to initiate a preliminary investigation under the Independent Counsel Act. Rep. Hyde's request for an investigation had raised a range of issues relating to alleged illegal activity by both President Clinton and Vice-President Gore, including issues involving White House "coffees." Both Ruff and Breuer acknowledged that the two-day delay in notifying the

Department of Justice was unfortunate, but the record shows that this delay was not willful and did not impede the Department's campaign finance investigation in any material respect.

Ruff met with the Attorney General on Thursday, October 2, as he does every Thursday, to discuss legislation, policy, appointment issues and other issues of mutual concern.<sup>113</sup> Both parties, however, treat investigative matters regarding the White House as off-limits. Ruff testified that "[T]he one rule we have, not only in those meetings but across the board in my relations with the Attorney General, is we do not talk about investigative matters at all. . . . I think both of us believe that the integrity of the process is best preserved by not having those discussions at our level."<sup>114</sup> Although Ruff was generally aware that the Justice Department was preparing a response to Chairman Hyde, he did not focus on the fact that this response was expected from the Department the next day.<sup>115</sup> Instead, his primary focus was on the Attorney General's upcoming decision concerning the Department's preliminary inquiry into allegations concerning the Vice President's fund-raising phone calls.<sup>116</sup> Ruff, however, did not see the newly-discovered videotapes as being relevant to the Department's inquiry into the phone calls.<sup>117</sup> Nevertheless, Ruff testified to his "personal regret that I did not take steps to communicate this information to the Department on that day."<sup>118</sup>

As noted previously, Imbroscio personally spoke with Bucklin late in the day on Thursday, October 2, to inform him about the discovery of responsive videotapes. Later that same day, Imbroscio called Breuer on his car phone as he was returning with his family from celebrating Rosh Hashanah, briefed him on his conversation with Bucklin, and relayed the Majority's desire to have a meeting the following day to explain the belated production. The next morning, Friday, October 3, the White House Counsel "investigations" team, including Ruff, Breuer and Imbroscio, had a meeting to discuss how to gather, identify and produce all responsive videotapes and audiotapes as quickly as possible.<sup>119</sup> During that meeting, Breuer advised Ruff that he would be contacting his counterpart at the Department of Justice to advise them of the discovery of responsive videotapes.<sup>120</sup> Breuer met with Bucklin and Chief Minority Counsel Baron at 2:30 that afternoon to discuss the discovery of the videotapes and the steps being taken to ensure prompt production.<sup>121</sup> While these events were occurring, Breuer traded voice-mail messages with his counterpart at the Department of Justice, but was not able to speak with him until Saturday morning.<sup>122</sup> Attorney General Reno publicly voiced her displeasure about the delayed notification, but concluded that the tapes did not change her assessment that the coffees were lawful.<sup>123</sup>

### **DEPUTY WHITE HOUSE COUNSEL AND THE VIDEOTAPES**

The Majority seemed intent on establishing that White House Deputy Counsel Mills had actual knowledge that partial videotapes of the White House coffees existed. This was based solely on her involvement in drafting memos in 1996 concerning limits on the scope of audio or video services that WHCA could provide to the President in the context of political events occurring outside of the White House complex. While the circumstances surrounding the belated production of the videotapes certainly merited investigation, the Majority's oft-stated suspicions in this regard were not vindicated by the evidence. Mills testified during her deposition that she

was generally unaware what WHCA was videotaping.<sup>124</sup> She was not involved with the coffees during the time they were occurring, did not attend any coffees, and did not even know there was a coffee “program.”<sup>125</sup>

Mills’ prior involvement with WHCA focused on advising them about the limits on their support activities during campaign-related travel, in order to ensure that the government was not paying for campaign activity in violation of the Hatch Act.<sup>126</sup> These discussions, however, focused on communication support being provided by WHCA during Presidential campaign trips, not on videotaping activities during small, closed-press events in the White House.<sup>127</sup> WHCA Director of Operations Smith, the main contact for Mills on these issues, confirmed during his testimony to the Committee that “I never discussed video, audiotaping with Ms. Mills at any time.”<sup>128</sup> This is unsurprising since, at the time Mills had these discussions with Smith, the activities of the Audio-Visual Unit were not one of Smith’s responsibilities.<sup>129</sup> Mills also had meetings with WHCA Commander Joseph Simmons concerning Hatch Act issues, who also testified that “videotaping was just not a subject that was brought up” in these meetings.<sup>130</sup> Even if the topic had come up, Col. Simmons’ did not have detailed knowledge of the scope of WHCA’s videotaping activities. Indeed, it was his personal understanding at the time of his meetings with Mills that closed-press events such as “coffees,” would not be videotaped by WHCA.<sup>131</sup> Accordingly, there is no basis to conclude that Mills had any specific knowledge of the extent to which closed-press meetings occurring within the White House, such as the coffees, would be videotaped by WHCA.

### **ALLEGATIONS CONCERNING ALTERATION OF THE VIDEOTAPES**

Approximately two weeks after the belated production of the tapes, Rep. Dan Burton (R-Ind.) appeared on CBS’s “Face the Nation” and alleged that the tapes had been altered in some way. “We think some of these tapes may have been cut off intentionally, you know, altered in some way” because some “cut off very abruptly.”<sup>132</sup> The Majority of this Committee hired a technical expert, Paul Ginsburg, to examine the originals of the videotapes produce by the White House for evidence of alteration or editing prior to the videotapes having been produced. Ginsburg concluded that there was no evidence of any alterations whatsoever, but had been instructed by the Majority not to divulge his conclusions. As weeks went by without disclosure, Senator Glenn wrote several letters to Chairman Thompson pointing out the unfairness of not clearing these career military personnel of any suspicion. Eventually, Chairman Thompson stated publicly that there had been no tampering.<sup>133</sup>

Suspicious about “alterations” were also initially aroused by the apparent lack of audio for a coffee attended by John Huang on June 18, 1996.<sup>134</sup> The Committee found that the apparent absence of sound on the tape of the coffee attended by Huang was a result of a technical mistake in the dubbing process. According to Smith’s deposition testimony, the tape provided to the Committee did have sound, but it was mistakenly recorded onto the second audio channel normally used to record part of a stereo signal, rather than the first audio channel on which the mono sound from the videotape camera microphone is typically recorded, resulting in an apparent absence of sound when played on the non-stereo video players available to the Committee.<sup>135</sup>

## **OTHER PRODUCTION ISSUES**

By the second day of the hearings on this topic, the Committee had already heard from WHCA personnel concerning the administrative mistake which had resulted in the failure to identify responsive videotapes in response to the Committee's earlier request. Since the record had already established that WHCA was responsible for the belated production, the Majority treated the appearance of White House Counsels Ruff, Breuer and Imbroscio as an opportunity to raise several other charges of failure to respond promptly to the Committee's document requests. Many of these charges were exceedingly unfair, while some raised issues of concern to the Committee as a whole about the effectiveness of White House document search and production procedures. In no instance, however, did the evidence support a conclusion that the White House deliberately delayed, concealed, or withheld documents from the Committee.

### **The Presidential "Diary"**

During his opening statement on October 29, Chairman Thompson charged that, during the investigation into the belated production of the videotapes, the Majority had discovered the existence of a presidential "diarist" and that the "diary" she was responsible for maintaining had not been produced in response to the Committee's request for such materials.<sup>136</sup> White House Counsel Ruff, in lieu of an opening statement, immediately took issue with Chairman Thompson's "misleading assessment" and explained that the "diarist" to whom Thompson referred was an employee of the National Archives whose duties included collecting the President's "schedules, briefing papers, phone logs, guest lists, and other records" for archival purposes.<sup>137</sup> The "diary" referred to by the Chairman is actually a computer database utilized by the diarist to index the collected presidential materials.<sup>138</sup> It strains common-sense for the Majority to argue that this computerized index maintained by a professional archivist is a "diary" within the meaning of the Committee's definition of "document." Moreover, using this index, over a thousand pages of responsive documents being held by the diarist had already been identified and produced.<sup>139</sup> White House document productions on March 20, May 20, June 13 and August 18th each clearly listed "the diarist" as the source of some of the documents produced.<sup>140</sup> Since the information in the index is drawn from the underlying documents themselves, production of the corresponding sections of the index would have provided the Committee with no additional information.<sup>141</sup>

By the end of the day, Chairman Thompson conceded that White House counsel had not failed to respond to the Committee's requests in this regard, but suggested that Committee counsel conduct a review of the diarist's index "to let us see whether or not there may be some dates there that would jump out at us that we know are relevant that you may not know is relevant."<sup>142</sup> Although the Majority continually emphasized the potential relevance of the diarist's work materials, no member of the Majority staff even called the White House to arrange to review these materials until late in December.<sup>143</sup> The Majority staff never followed up on this initial contact and the review was never conducted, although the offer to review the records was renewed as late as January 9 in a letter from Breuer.<sup>144</sup> Given that the Majority made no attempt to review these documents, it is difficult to credit their complaints that the belated "discovery" of



the diarist impeded the Committee's investigation in any way.

### **WAVE Records Relating to Mr. Wu**

The Committee's August 1 subpoena to the White House was precipitated by the White House's failure to produce White House entry records (known as "WAVE records") relating to an associate of Charlie Trie named Ng Lap Seng (also known as "Mr. Wu") until after the Committee had heard testimony concerning his contacts with Trie.<sup>145</sup> During the October 29 hearing, some members of the Committee suggested that the White House deliberately withheld the documents in question until after the public hearings concerning Trie had concluded.

Although the timing of the production of Wu's WAVE records was regrettable, the circumstances do not support the inference that the White House attempted to conceal the existence of the records from the Committee until after public hearings on this topic had concluded. First, in response to the Majority's request to expedite the production of specific categories of documents, the White House Counsel's office had put the Committee on written notice that they had not yet received the White House responses to their request for Wu's WAVE records.<sup>146</sup> In his testimony before the Committee, White House Counsel Breuer was very specific in his recollection that he had provided the Committee with detailed information about the White House's progress in responding to the Committee's requests for expedited production contained in its letter of May 21.

[A]s you know, I discussed this with [Majority Counsels] Mr. Bucklin and with Mr. Tipps. In fact, Mr. Tipps brought me out of a deposition because he knew that it was our position that we couldn't get you the May 21 information right away. It was my decision prior to--after the May 21 request, to meet with your staff so we could go over what you had and didn't have. It was at that time, Mr. Madigan, with all due respect, that the Committee knew what you had and what you didn't have. We worked out a schedule with you to complete those requests.<sup>147</sup>

Second, the Majority did not advise the White House of the upcoming hearings concerning Wu, which would have put them on notice that the Wu production was a priority.<sup>148</sup> Charles Ruff testified in his deposition that the Wu records were retrieved by a member of the White House press office in response to a press inquiry. When the Counsel's office learned that documents relevant to the Committee's ongoing hearings had been located, these WAVE records were produced to the Committee first before being given to the press.<sup>149</sup> During his deposition, Michael Imbroscio, one of the staff attorneys in the White House Counsel's Office, described a meeting wherein Breuer explained to Bucklin the circumstances surrounding the production of Wu's WAVE records and said that Bucklin "expressed, in essence, some sadness that he had not been communicated [the] explanation before, and that so much had been made of it."<sup>150</sup> Breuer also remembered Bucklin saying "something to the effect that if I had had the opportunity to explain to everyone exactly why we produced the Ng Lap Seng [Wu] document when we did, it

may well have been that a lot of the uproar would have been unnecessary.”<sup>151</sup>

### **Lisa Berg documents**

Another issue concerning the timing of document productions arose on July 29 when the Committee received documents relevant to the deposition of Lisa Berg, a former Director of Advance for Vice President Gore, three hours after her deposition had concluded.<sup>152</sup> This deposition, however, was scheduled on very short notice with the Committee issuing a notice of deposition dated Friday, July 25, seeking Berg’s appearance on Tuesday, July 29.<sup>153</sup> As Breuer testified before the Committee, such short lead times presented substantial challenges to the White House in producing all relevant documents in a complete and timely manner:

I realize to some of the members sitting here, when you get something in the last minute, it appears like there is a pattern of obstruction or delay. I suggest to you that a fair reading is that often when you get documents in the last minute, it is a direct response to this Committee saying we are talking the deposition of Mr. Smith in three days, please drop everything and do whatever you can to get those documents to us as quickly as possible, and we have done that.<sup>154</sup>

Despite these circumstances, Majority Counsel Madigan suggested in public hearings that this lapse was a deliberate attempt by the White House to frustrate the Committee’s work. This suggestion is untenable, however, in light of the White House’s subsequent offer to make her available for additional questioning about the specific documents in question.<sup>155</sup>

Mr. Madigan, time and again when in the public eye there have been complaints about getting documents later, we have said to you, if you truly feel disadvantaged by not getting a document, you can redepose or interview or have witnesses. Lisa Berg is an example where publicly you complained that you didn't have the Lisa Berg document. . . .we have promptly and in private, not to make it a public spectacle, said, Would you like the opportunity to speak to her about the documents . . . that you have received? And you have not taken us up on that offer.

As was the case with so many other allegations of supposed White House obstruction. the Majority declined the White House invitation to re-depose or re-interview Berg,<sup>156</sup> thereby casting substantial doubt on the Majority’s assertion that the belated production of the Berg documents seriously compromised the Committee’s investigation.

### **CONCLUSION**

The Committee’s hearings have produced numerous revelations about the Administration’s fund-raising practices that have invited substantial criticism. The Minority has addressed the specifics of these issues in other parts of this report. It bears noting, however, that

most of these stories were based in large part on documentary and testimonial evidence provided by the White House. Against this backdrop, accusations that the White House intermittently departed from its policy of cooperativeness in order to conceal material of questionable significance to the Committee's investigation are wholly unpersuasive.

During the questioning of White House counsels Ruff, Breuer and Imbroscio, the Majority frequently challenged the reasonableness of the procedures utilized by their office to identify and produce documents responsive to the Committee's numerous requests. The record is clear, however, that the White House search procedures were reasonable under the circumstances. The fact that these procedures sometimes failed to immediately identify and produce all relevant documents did not come close to supporting the inference that the White House acted with the intent to obstruct the Committee's investigation.

1. Exhibit 1488: Letter to Lanny Breuer from Majority Counsel, regarding “a request for production of documents,” 4/9/97.
2. Exhibit 1489: Letter to Lanny Breuer from Majority Counsel regarding “Second Request for Documents,” 5/21/97.
3. Two letters to Lanny Breuer from Majority Counsel regarding supplemental requests for documents, 6/9/97 and 6/11/97.
4. Letter to Majority Chief Counsel from Charles Ruff, Counsel to the President, 7/25/97.
5. Letter to Chief Counsel from Charles Ruff, Counsel to the President, regarding a summary of the status of the White House’s production and “the understandings” reached between the White House and Committee staff concerning outstanding production of documents, 7/25/97.
6. Exhibit 1490: Subpoena to the Custodian of Documents, The White House, issued by the Committee on Governmental Affairs for “all documents and other things identified or described in Schedule A,” 7/31/97.
7. Exhibit 1509: Letter to Lanny Breuer from Majority Counsel regarding “Supplemental Request for Documents,” 8/19/97.
8. Exhibit 2435M: Memorandum from Jack Quinn, Counsel to the President, to White House Staff re: Appropriate Use of Resources, 4/8/96.
9. Exhibit 2433M: Memorandum from Antonio Lopez, Director, White House Military Office, to White House Staff re: White House Video Documentation Office, 5/8/89.
10. Exhibit 2433M: Memorandum from Antonio Lopez, Director, White House Military Office, to White House Staff re: White House Video Documentation Office, 5/8/89.
11. Exhibit 2433M: Memorandum from Antonio Lopez, Director, White House Military Office, to White House Staff re: White House Video Documentation Office, 5/8/89.
12. Exhibit 2433M: Memorandum from Antonio Lopez, Director, White House Military Office, to White House Staff re: White House Video Documentation Office, 5/8/89.
13. Exhibit 2433M: Memorandum from Antonio Lopez, Director, White House Military Office, to White House Staff re: White House Video Documentation Office, 5/8/89.
14. Steven Smith deposition, 10/10/97, pp. 85-86.
15. Stephen Goodin deposition, 10/21/97, p. 11.
16. Stephen Goodin deposition, 10/21/97, pp. 15-16.

17. Stephen Goodin deposition, 10/21/97, pp. 16 & 55-56.
18. Stephen Goodin deposition, 10/21/97, pp. 17-18.
19. Stephen Goodin deposition, 10/21/97, pp. 24-25.
20. Steve Smith deposition, 10/10/97, p. 53.
21. Stephen Goodin deposition, 10/21/97, pp. 23 & 77.
22. Stephen Goodin deposition, 10/21/97, pp. 24-25.
23. Stephen Goodin deposition, 10/21/97, p. 28.
24. Chief Charles McGrath deposition, 10/20/97, p. 216.
25. Chief Charles McGrath deposition, 10/20/97, p. 206.
26. Chief Charles McGrath deposition, 10/20/97, p. 207; Stephen Goodin deposition, 10/21/97, p. 28.
27. Stephen Goodin deposition, 10/21/97, pp. 32 & 35.
28. Chief Charles McGrath deposition, 10/20/97, p. 175.
29. Stephen Goodin deposition, 10/21/97, p. 35.
30. Chief Charles McGrath deposition, 10/20/97.
31. Steve Smith deposition, 10/10/97, pp. 185-186.
32. Stephen Goodin deposition, 10/21/97, pp. 40.
33. Chief Charles McGrath deposition, 10/20/97, pp. 26-27.
34. Chief Charles McGrath deposition, 10/20/97, pp. 52-53.
35. Steven Smith deposition, 10/10/97.
36. Stephen Goodin deposition, 10/21/97, p. 77.
37. Stephen Goodin deposition, 10/21/97, p. 78.
38. Chairman Thompson, 10/29/97 Hrg., p. 91.
39. Lanny Breuer, 10/29/97 Hrg., p. 106.

40. Exhibit 1488: Letter to Lanny Breuer from Majority Counsel regarding “a request for production of documents,” 4/9/97.
41. Exhibit 2423M: Memorandum from Charles F.C. Ruff, Counsel to the President, to Executive Office of the President re: Document Request, 4/28/97.
42. Exhibit 2423M: Memorandum from Charles F.C. Ruff, Counsel to the President, to Executive Office of the President re: Document Request, 4/28/97.
43. Exhibit 2423M: Memorandum from Charles F.C. Ruff, Counsel to the President, to Executive Office of the President re: Document Request, 4/28/97.
44. Alan P. Sullivan deposition, 10/16/97, pp. 5-8.
45. Alan P. Sullivan deposition, 10/16/97, p. 10.
46. Alan P. Sullivan Deposition, 10/16/97, p. 62.
47. Col. Charles Kenneth Campbell deposition, 10/21/97, p. 109.
48. Col. Charles Kenneth Campbell deposition, 10/21/97, p. 57.
49. Col. Charles Kenneth Campbell deposition, 10/21/97, p. 11.
50. Col. Charles Kenneth Campbell deposition, 10/21/97, p. 78.
51. Col. Charles Campbell, 10/23/97 Hrg., p. 69.
52. Col. Charles Campbell, 10/23/97 Hrg., p. 69.
53. Col. Charles Kenneth Campbell deposition, 10/21/97, pp. 107-108.
54. Exhibit 2423M: Memorandum from Charles F.C. Ruff, Counsel to the President, to Executive Office of the President re: Document Request, 4/28/97.
55. Exhibit 2428M: E-mail message from Col. Charles Kenneth Campbell to WHCA personnel re: HOT SUSPENSE - Document Search, 4/29/97.
56. Col. Charles Kenneth Campbell deposition, 10/21/97, p. 105.
57. Exhibit 1488: Letter from Majority Counsel to White House Counsel Lanny Breuer, 4/9/97.
58. Lanny Breuer, 10/29/97 Hrg., p. 177.
59. Lanny Breuer deposition, 10/17/97, p. 41.

60. Lanny Breuer deposition, 10/17/97, p. 42.
61. Col. Charles Kenneth Campbell deposition, 10/21/97, p. 83.
62. Col. Charles Kenneth Campbell deposition, 10/21/97, p. 84.
63. Deposition of Chief Charles McGrath, 10/20/97, pp. 89-90.
64. Majority Counsel, 10/29/97 Hrg., p. 138.
65. Steven Smith, 10/23/97 Hrg., p. 93.
66. Lanny Breuer, 10/29/97 Hrg., p. 108.
67. Lanny Breuer, 10/29/97 Hrg., p. 109.
68. Lanny Breuer, 10/29/97 Hrg., p. 109.
69. Lanny Breuer, 10/29/97 Hrg., pp. 110-111.
70. Michael Madigan, 10/29/97 Hrg., p. 139.
71. Lanny Breuer, 10/29/97 Hrg., p. 145.
72. Lanny Breuer, 10/29/97 Hrg., p. 180.
73. Michael Imbroscio deposition, 10/17/97, pp. 60-61.
74. Michael Imbroscio deposition, 10/17/97, p. 61.
75. Michael Imbroscio deposition, 10/17/97, pp. 63 & 67.
76. Michael Imbroscio deposition, 10/17/97, pp. 64-66.
77. Michael Imbroscio deposition, 10/17/97, p. 73.
78. Lanny Breuer deposition, 10/17/97, p. 54.
79. Lanny Breuer deposition, 10/17/97, p. 56.
80. Michael Imbroscio deposition, 10/17/97, pp. 74-75.
81. Michael Imbroscio, 10/29/97 Hrg., p. 118; Michael Imbroscio deposition, 10/17/97, pp. 79-81.
82. Exhibit 1509: 8/19/97 letter from Majority Counsel to White House Counsel Lanny Breuer.

83. Michael Imbrosio deposition, 10/17/97, p. 81.
84. Michael Imbrosio deposition, 10/17/97, p. 79.
85. Michael Imbrosio deposition, 10/17/97, p. 83.
86. Michael Imbrosio, 10/29/97 Hrg., p. 118.
87. Michael Imbrosio deposition, 10/17/97, p. 78.
88. Michael Imbrosio, 10/29/97 Hrg., p. 117; Michael Imbrosio deposition, 10/17/97, p. 121.
89. Michael Imbrosio, 10/29/97 Hrg., p. 117; Michael Imbrosio deposition, 10/17/97, p. 122.
90. Michael Imbrosio deposition, 10/17/97, pp. 76-77 & 85-86.
91. Michael Imbrosio deposition, 10/17/97, p. 85.
92. Michael Imbrosio deposition, 10/17/97, p. 88.
93. Michael Imbrosio deposition, 10/17/97, p. 91.
94. Steven Smith deposition, 10/10/97, p. 138.
95. Steven Smith deposition, 10/10/97, pp. 139-140.
96. Michael Imbrosio deposition, 10/17/97, pp. 103 & 105-106.
97. Michael Imbrosio deposition, 10/17/97, pp. 111-112.
98. Michael Imbrosio, 10/29/97 Hrg., pp. 163 & 190.
99. Michael Imbrosio deposition, 10/17/97, pp. 139-140.
100. Michael Imbrosio deposition, 10/17/97, p. 137; Steven Smith deposition, 10/10/97, p. 151.
101. Michael Imbrosio deposition, 10/17/97, p. 140.
102. Michael Imbrosio deposition, 10/17/97, pp. 146-148.
103. Michael Imbrosio deposition, 10/17/97, p. 150.
104. Michael Imbrosio deposition, 10/17/97, pp. 151-152.
105. Michael Imbrosio deposition, 10/17/97, pp. 151-152.
106. Michael Imbrosio deposition, 10/17/97, pp. 151-152.



107. Michael Imbrosio deposition, 10/17/97, p. 153.
108. Michael Imbrosio deposition, 10/17/97, p. 158.
109. Michael Imbrosio deposition, 10/17/97, p. 156.
110. Michael Imbrosio deposition, 10/17/97, pp. 163-164.
111. Lanny Breuer deposition, 10/17/97, p. 99.
112. Lanny Breuer deposition, 10/17/97, p. 99.
113. Charles F.C. Ruff, 10/29/97 Hrg., p. 223; Charles F.C. Ruff deposition, 10/27/97, p. 34.
114. Charles F.C. Ruff, 10/29/97 Hrg., pp. 223 & 225.
115. Charles F.C. Ruff deposition, 10/27/97, p. 38.
116. Charles F.C. Ruff, 10/29/97 Hrg., p. 224.
117. Charles F.C. Ruff's deposition, 10/27/97, p. 37.
118. Charles F.C. Ruff, 10/29/97 Hrg., p. 224.
119. Charles F.C. Ruff's deposition, 10/27/97, p. 56; Lanny Breuer's deposition, 10/17/97, p. 74.
120. Charles F.C. Ruff's deposition, 10/27/97, p. 56.
121. Lanny Breuer's deposition, 10/17/97, pp. 99-100.
122. Charles F.C. Ruff's deposition, 10/27/97, p. 38.
123. Washington Post, 10/10/97.
124. Cheryl Mills deposition, 10/18/97, pp. 57-59.
125. Cheryl Mills deposition, 10/18/97, pp. 54-57.
126. Cheryl Mills deposition, 10/18/97, p. 58.
127. Cheryl Mills deposition, 10/18/97, pp. 65-73.
128. Steve Smith, 10/23/97 Hrg, p. 90.
129. Steve Smith, 10/23/97 Hrg., p. 90.
130. Col. Joseph Simmons IV's deposition, 10/16/97, p. 45.

131. Col. Joseph Simmons IV deposition, 10/16/97, p. 125.
132. Washington Post, 10/20/97.
133. 12/5/97 letter from Ranking Minority Member Senator John Glenn (D-Ohio) to Chairman Thompson (R-Tenn.) (urging that Ginsburg's findings be made public and referencing earlier letter dated 11/19/97 to the same effect).
134. New York Times, 10/7/97.
135. Steven Smith's deposition, 10/10/97, pp. 157-158.
136. Chairman Thompson, 10/29/97 Hrg., pp. 93-94.
137. Charles Ruff, 10/29/97 Hrg., p. 99.
138. Charles Ruff, 10/29/97 Hrg., p. 100.
139. Charles Ruff, 10/29/97 Hrg., p. 101.
140. Michael X. Imbroscio, 10/29/97 Hrg., pp. 114-115.
141. Charles Ruff, 10/29/97 Hrg., p. 199.
142. Chairman Thompson, Hrg., p. 219.
143. Letter from Lanny Breuer, Special Counsel to the President, to Majority Counsel, 1/9/98.
144. Letter from Lanny Breuer, Special Counsel to the President, to Majority Counsel, 1/9/98.
145. The Washington Post, 7/31/97.
146. Lanny Breuer, 10/29/97 Hrg., p. 151.
147. Lanny Breuer, 10/29/97 Hrg., p. 151.
148. The Washington Post, 7/31/97.
149. Charles Ruff deposition, 10/27/97, p. 31.
150. Michael Imbroscio deposition, 10/17/97, p. 62.
151. Lanny Breuer, 10/29/97 Hrg., pp. 183-184.
152. Majority Counsel, 10/29/97 Hrg., p. 150.
153. Lisa Berg deposition, 7/29/97, Exhibit 1: Notice of Senate Deposition.

154. Lanny Breuer, 10/29/97 Hrg., p. 109.

155. Lanny Breuer, 10/29/97 Hrg., pp. 160-161.

156. Lanny Breuer, 10/29/97 Hrg., pp. 160-161.